

REMARKS

Claims 1-8, 10-12 and 15 have been cancelled, and Claims 16-17 have been added. Thus, Claims 9, 13-14 and 16-17 are currently pending in the present application, of which Claims 9 and 13-14 have been amended.

The scope of newly added Claims 16-17 is similar to the scope of Claims 13-14, respectively.

Rejection under 35 U.S.C. § 112

Claims 11-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for not particularly pointing out and distinctly claiming the subject matter which the Applicant regards as the invention. Claims 11-12 have been cancelled; thus, the § 112 rejection is deemed moot.

Rejection under 35 U.S.C. § 103

Claims 1-6 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ottesen et al.* (US 6,281,676) in view of *Dobbek et al.* (US 5,937,435). Claims 1-8 have been cancelled; thus, the § 103 rejection is deemed moot.

Rejection under 35 U.S.C. § 102

Claims 9-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Dobbek et al.* (US 5,937,435). Applicants respectfully traverse such rejection insofar as it might apply to the claims as amended herein.

Amended Claim 9 now recites steps of "sequentially searching sectors on said recording disk in a predetermined order" (lines 8-9), "adding said logical address of said sector to a number of defect sectors up to said sector to obtain a physical address of said sector when the number of tracks is 1 in said range that denotes a presence of defect sectors continued up to immediately before said sector" (lines 10-13) and "adding said logical address of said sector to a number of defect sectors up to said sector to obtain a physical address of said sector when the number of

tracks is 2 or higher in said range that denotes a presence of defect sectors continued up to immediately before said sector, and said sector is not included in said range" (lines 14-18).

On page 3 of the Office Action, the Examiner asserts that Claim 9 was disclosed by *Dobbek* in Figure 4. However, the above-mentioned newly added searching and adding steps are not taught or suggested by *Dobbek*. Because Claim 9 recites novel features that are not taught or suggested by the cited reference, the § 102 is believed to be overcome.

Claims 13-14 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Ottesen et al.* (US 6,281,676). Applicants respectfully traverse such rejection insofar as it might apply to the claims as amended herein.

Applicants note with appreciation the Examiner's indication that Claim 15 would be allowable if it was rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Because the subject matters of Claim 15 have now been incorporated within Claim 13, the § 102 rejection on Claim 13 is believed to be overcome.

CONCLUSION

Claims 9, 13-14 and 16-17 are currently pending in the present application. For the reasons stated above, Applicants believe that independent Claims 9, 13 and 16 along with their respective dependent claims are in condition for allowance. The remaining prior art cited by the Examiner, but not relied upon, has been reviewed and is not believed to show or suggest the claimed invention.

No fee or extension of time is believed to be necessary; however, in the event that any fee or extension of time is required for the prosecution of this application, please charge it against IBM Deposit Account No. 50-2587.

Respectfully submitted,



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